United Nations A/AC.109/2016/SR.3

General Assembly

Distr.: General
11 July 2016

Original: English

# Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

**Summary record of the 3rd meeting**
Held at Headquarters, New York, on Monday, 13 June 2016, at 3 p.m.

*Chair*: Mr. Ramírez Carreño ..... (Bolivarian Republic of Venezuela)

## Contents

Adoption of the agenda

Organization of work

Requests for hearing

Information from Non-Self-Governing Territories transmitted under Article 73 *e* of the Charter of the United Nations

Dissemination of information on decolonization

Question of sending visiting missions to Territories

Question of Gibraltar

*Hearing of representatives of the Non-Self-Governing Territory*

*Hearing of petitioners*

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent as soon as possible to the Chief of the Documents Control Unit (srcorrections@un.org).

Corrected records will be reissued electronically on the Official Document System of the United Nations (http://documents.un.org/).

16-09851 (E)

Please recycle

*The meeting was called to order at 3.30 p.m.*

**Adoption of the agenda**

1. The agenda was adopted.

**Organization of work** (A/AC.109/2016/L.2)

2. The Chair drew attention to the programme of work (A/AC.109/2016/L.2) and the updated version circulated. He reminded the Committee that the delegations of Algeria, Angola, Argentina, Costa Rica, Ghana, Guatemala, Morocco, Palau, Panama, Solomon Islands, South Africa, Spain, Sri Lanka, Uruguay and the Holy See had indicated their wish to participate in the work of the Committee as observers. In addition, the delegation of El Salvador had requested to participate as an observer.

3. In General Assembly resolution 70/231 and previous resolutions, the Committee had been requested to observe annually the Week of Solidarity with the Peoples of Non-Self-Governing Territories. For the first time in over 20 years the Committee would be able to implement that key aspect of its collective mandate by showing solidarity with those deprived of their independence and territorial integrity. Solidarity meant providing support and assistance to the people of those Territories in their struggle to live their lives free from the control and domination of other countries and peoples, and the Week of Solidarity underlined the collective commitment of the Committee to put an end to the shame of colonialism around the world.

4. To observe the Week of Solidarity, the Committee had worked with the Bureau and the Secretariat to prepare a programme of meaningful activities to be held at Headquarters over a two-week period. The events included an exhibition, a series of panels on different aspects of decolonization and musical performances on the theme of decolonization. However, he stressed that, in reality, every week should be a week of solidarity for the Committee, given that it was the United Nations body devoted to the singular consideration of how to eradicate colonialism in all its aspects.

**Requests for hearing** (Aides-memoires 01/16, 02/16, 03/16, 04/16 and 05/16)

5. **The Chair** drew attention to aides-memoires 01/16, 02/16, 03/16, 04/16 and 05/16 relating to the Special Committee decision concerning Puerto Rico and to the Questions of Gibraltar, the Falkland Islands (Malvinas), French Polynesia and Western Sahara. The Committee had received a substantial number of requests for hearing concerning Puerto Rico, and he took it that the Committee wished to accede to those requests.

6. *It was so decided.*

**Information from Non-Self-Governing Territories transmitted under Article 73 *e* of the Charter of the United Nations** (A/71/68 and A/AC.109/2016/L.3)

7. **The Chair** drew attention to the report of the Secretary-General pertaining to the transmittal of information from the administering Powers called for under Article 73 *e* of the Charter of the United Nations (A/71/68).

8. **Mr. Arcia Vivas** (Bolivarian Republic of Venezuela) said that, according to General Assembly resolutions 34/37 and 35/19, the people of Western Sahara should be represented by the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro (Frente Polisario). While the petitioner in aide-memoire 02/16 claimed to represent the people of the Sahara, he was not a member of the Frente Polisario and could not properly speak for them before the Committee. His request for hearing should therefore be denied.

9. **Mr. Hilale** (Observer for Morocco), speaking on a point of order, said that the Committee had already approved the request and could not reverse its decision. Speaking on the substance of the matter, he said that, while General Assembly resolution 34/37 referred to the Frente Polisario as "the representative of the people of Western Sahara", General Assembly resolution 35/19 had subsequently eliminated the definite article before "representative", allowing for the possibility of other representatives. The petitioner had been elected in free and fair elections, as confirmed by the Special Representative of the Secretary-General and Head of the United Nations Mission for the Referendum in Western Sahara (MINURSO) and by the Personal Envoy of the Secretary-General for Western Sahara, and was thus one of many elected representatives who could represent his constituents before the Committee. He had every right to report on their behalf, and the Committee had a duty to hear his report.

10. **The Chair** said that the Committee had not approved the requests for hearing on the question of Western Sahara; it had merely confirmed the date of the hearing. The question of who had a right to represent the Saharan people had been discussed at great length during the 2016 Pacific regional seminar in Managua. The request from the Vice-President of the region of Laâyoune-Sakia El Hamra, who claimed to represent the Saharan people, had raised the same issue. After consulting with the Office of Legal Affairs, the Bureau had concluded that, pursuant to the aforementioned General Assembly resolutions, the Frente Polisario was the sole representative of the people of Western Sahara before the Committee. Anyone living in the territories under Moroccan control could speak on behalf of the Kingdom of Morocco, but only the representative of the Frente Polisario could speak on behalf of the people of Western Sahara.

11. **Mr. Arcia Vivas** (Bolivarian Republic of Venezuela) said that the Committee was bound by the aforementioned resolutions, which could be amended only by the General Assembly. They designated the Frente Polisario as the representative of the Saharan people, regardless of the subject matter, the region and whether or not elections had been held.

12. **Mr. Kowalski** (Office of Legal Affairs) said that, as the Secretariat could not take a position on the issue, he would limit himself to reviewing the rules relevant to representation in the Special Committee. First, only members of the Committee, observers, representatives of Non-Self-Governing Territories and petitioners could participate in its substantive sessions. Second, General Assembly resolutions 34/37 and 35/19 implied a connection between representation of the people of Western Sahara and the Frente Polisario. Third, under the rules of procedure of the General Assembly, the Chair had the power to rule on points of order but remained under the authority of the Committee.

13. **Mr. Hilale** (Observer for Morocco) said that, regarding the point of order, the requests for hearing had been approved and the Committee had moved on to the next agenda item, Information from Non-Self-Governing Territories, under which the representative of an independent State such as the Bolivarian Republic of Venezuela was not entitled to speak. With regard to the admissibility of the request for hearing, in the first paragraph of his letter, the petitioner clearly claimed to represent only the region of Laâyoune-Sakia El Hamra. The omission of "the" in General Assembly resolution 35/19 was significant, and the representative of the Office of Legal Affairs should therefore review the record of the meeting in which the change had been decided and provide a legal opinion on the difference between "the representative" and "representative" in the context of the resolutions.

14. **The Chair** said that every possible effort was being made to sabotage the meeting. The disputed request for hearing was purposefully ambiguous and subject to interpretation. As Chair, he had the power to decide between possible interpretations so that the Committee could continue with its work.

15. **Mr. Hilale** (Observer for Morocco) said that the Chair had falsely accused his delegation of trying to sabotage the meeting. The Bolivarian Republic of Venezuela was trying to impose a discussion of representation. The real issue was the right of anyone in a Non-Self-Governing Territory to be heard. The Bolivarian Republic of Venezuela had a problem with elections, the legitimacy of elected officials and respect for human rights, and while he respected the views of the Chair's country, the Chair had no right to impose Venezuelan ideological and political positions on the Committee.

16. **The Chair** said that the representative of Morocco was showing a complete lack of respect for his office and for his country. He did not wish to repeat the spectacle of the 2016 Pacific regional seminar. If the representative of Morocco could not focus on his point, the Chair would be forced to end the meeting.

17. **Mr. Hilale** (Observer for Morocco) said that in the Sahara, there were those who supported separatism, those who supported integration, those who supported autonomy and those who had no opinion. In a democracy such as Morocco, all had a right to be heard and the Committee should recognize that same democratic right. The petitioner had not come to contest the Frente Polisario, but to speak in his own capacity and on behalf of his constituents.

18. **The Chair** said that the only vote of interest to the Committee was a referendum. As written, the resolutions did not allow the Committee to recognize political or demographic changes.

19. Returning to the agenda item under discussion, he drew the Committee's attention to the draft resolution on information from Non-Self-Governing Territories

transmitted under Article 73 *e* of the Charter of the United Nations (A/AC.109/2015/L.3).

20. **Ms. Rodríguez Abascal** (Cuba) said that the information submitted by the administering Powers under Article 73 *e* of the Charter informed the Committee's decisions. According to the report of the Secretary General (A/71/68), some States had failed to provide information for the periods under review. Cuba therefore wished to reaffirm the obligation of the administering Powers to support the work of the Committee and to provide the information requested in the Committee's resolutions and decisions.

*Draft resolution A/AC.109/2015/L.3*

21. *Draft resolution A/AC.109/2015/L.3 was adopted.*

**Dissemination of information on decolonization** (A/AC.109/2016/18)

22. **Ms. Novicki** (Department of Public Information (DPI)), introducing the report of the Secretary-General on the dissemination of information on decolonization during the period from April 2015 to March 2016 (A/AC.109/2016/18), said that during the reporting period, the Department had issued numerous press releases on the decolonization activities of various United Nations bodies and had deployed a press officer to the Pacific regional seminar. It had recently finalized the leaflet "What the United Nations can do to assist Non-Self-Governing Territories", which would be available in both electronic and print formats in a few weeks. In the electronic realm, it had worked with the Decolonization Unit of the Department of Political Affairs to update the profiles of the Non-Self-Governing Territories on the United Nations decolonization website, where traffic was growing, and it had featured decolonization-related issues on other special websites and its social media accounts.

23. United Nations Television had covered all formal open meetings of the Special Committee and the related press conferences, as well as relevant sessions of the Fourth Committee, and UNifeed had provided two new packages to its broadcasting partners. Furthermore, video coverage of decolonization-related meetings and events continued to be available live and on demand on the United Nations Web TV website. The United Nations Photo Unit had covered a number of such events, and the United Nations Radio units had continued to highlight United Nations activities on issues related to decolonization and the Non-Self-Governing Territories in the six official languages, as well as Portuguese and Kiswahili. The multilingual United Nations News Centre had spotlighted decolonization-related issued more frequently than usual in the context of the Organization's 70th anniversary. Lastly, the topic of decolonization was included in the guided tours of the United Nations Headquarters and the United Nations offices at Geneva, Nairobi and Vienna.

24. The Dag Hammarskjöld Library had handled a series of requests for readership and information services on the subject of decolonization, including specific requests sent through the online "Ask Dag" platform, and its Research Guides webpage allowed searches on, inter alia, the keywords "decolonization", "colonies" and "non-self-governing territories". The Library continued to scan and upload important United Nations documents on decolonization, making them publicly available through the Official Documents System.

25. **Ms. Rodríguez Abascal** (Cuba), recalling General Assembly resolution 70/103 on the dissemination of information on decolonization, urged DPI to expand its efforts to ensure the widest possible dissemination of such information, using all available media, with particular emphasis on the options for self-determination available for the peoples of Non-Self-Governing Territories. Cuba also joined with the other Member States in requesting the Secretary-General to further enhance the information provided on the United Nations decolonization website. In that connection, DPI needed to work more systematically to make the Committee's activities visible. It should publish and update the decolonization website content in all of the official United Nations languages, not just English, in order to reach the widest possible audience. The information should be of high quality and timely, in order to promote good decision-making and a better understanding of the decolonization process. It should be published proactively and in real time.

26. **Mr. Coloma Grimberg** (Chile) said that digital media was important and he therefore wished to know what percentage of the documents of the Special Committee had been scanned. However, since many members of its target audience did not have access to digital media, the Special Committee should work with the Committee on Information to explore other means of spreading the decolonization message, especially to

the peoples of the Non-Self-Governing Territories. Lastly, his delegation urged DPI to disseminate legal information on the Special Committee more systematically, in order to promote a better understanding of its activities.

27. **Mr. Djani** (Indonesia) said that, especially in view of the new Sustainable Development Goals, the Committee must redouble its efforts to ensure the welfare of the people in the Non-Self-Governing Territories. With 17 Territories still listed at the midpoint of the Third International Decade for the Eradication of Colonialism, it must also continue to work with all stakeholders to end colonialism. Regional seminars such as the one in Managua provided an important platform for assessing progress and reviewing the Committee's work, and the Committee should take their results into account, preparing evaluations of the Territories acceptable to all parties on a case-by-case basis. Indonesia had noted with appreciation the cooperation and goodwill of some administering Powers during consultative meetings and dialogues, and it encouraged all administering Powers to follow their example. It was confident that, with the Powers' support, the Committee would be able to conduct another visiting mission in accordance with General Assembly resolution 70/231 on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

28. **Ms. Novicki** (Department of Public Information (DPI)) said that her Department would follow up on the excellent comments and suggestions made by the representatives of Cuba and Chile. It was ready to consider any initiative within its means to promote United Nations activities in the area of decolonization, and it would work with all relevant partners to do so. She would find out what percentage of the Committee's documents had been digitized and report back to it.

29. **Ms. Ambiehl** (Decolonization Unit, Department of Political Affairs (DPA)), accompanying her statement with a digital presentation, said that the Unit made full use of the DPA Twitter account. For example, it had tweeted the recent regional seminar as well as the start of the meeting in progress. Twitter was a powerful tool at the fingertips of the Committee members. She invited them to retweet the tweet announcing the meeting and showed them how to do it.

30. Her Department continued to work closely with DPI to keep the United Nations decolonization website up to date. It was also responsible for preparing the annual Secretariat Working Papers on the 17 Non-Self-Governing Territories and uploading them to the decolonization website as soon as they were published. It had provided substantive support for convening and following up on the annual regional seminar, and had worked closely with DPI to ensure that the statements, press releases and photographs associated with the seminar were available on the decolonization website. She ended her presentation by projecting the photographs.

31. **Ms. Rubiales de Chamorro** (Nicaragua) said that it had been a privilege to host the Pacific regional seminar for the second consecutive year. Her Government wished to thank all who had participated and would be pleased to host the seminar again in 2017.

*Draft resolution A/AC.109/2016/L.4*

32. *Draft resolution A/AC.109/2016/L.4 was adopted.*

**Question of sending visiting missions to Territories**

33. **The Chair** said that draft resolution A/AC.109/2016/L.5 was still being revised and would be submitted to the Committee at a later date.

34. **Mr. Maleki** (Islamic Republic of Iran) asked the informal working group to elaborate on its procedure for preparing draft resolutions.

35. **The Chair** said that the Bureau prepared the draft resolutions with the help of the Secretariat and distributed them to the Committee when they were ready.

36. **Mr. Maleki** (Islamic Republic of Iran) said that when draft resolutions were prepared by an informal working group, any delegation with an objection or a suggestion could help to shape them. When they were prepared by the Bureau, the delegations' only option was to vote yes or no. The Committee needed to demonstrate that it was truly concerned about decolonization and that its resolutions were discussed and negotiated in an expert working group.

37. **The Chair** said that he was somewhat frustrated with the way in which draft resolutions were approved, and greater participation in the drafting process could help to break the Committee out of stagnation. He

invited any Committee members who so desired to help the Bureau with the draft resolutions. A more structured approach would also be possible.

38. **Mr. Maleki** (Islamic Republic of Iran) said that, as a general rule, United Nations committees had a working group in which draft resolutions were discussed and negotiated before they were adopted. However, he would accept the Chair's decision.

39. **The Chair** said that he appreciated the representative's very positive suggestion. He would form a working group on draft resolution A/AC.109/2016/L.5.

**Question of Gibraltar** (A/AC.109/2016/8)

40. **The Chair** informed the Committee that the delegation of Spain had indicated its wish to participate in the Committee's consideration of the item. He drew attention to the working paper prepared by the Secretariat on the question of Gibraltar (A/AC.109/2016/8).

*Hearing of representatives of the Non-Self-Governing Territory*

41. *At the invitation of the Chair, Mr. Picardo (Chief Minister, Gibraltar) took a place at the Committee table.*

42. **Mr. Picardo** (Chief Minister, Gibraltar), speaking publicly for the first time since the murders in Orlando, United States, said that his Government wished to extend its condolences to the American people and to the lesbian, gay, bisexual and transgender community.

43. By its deliberate inaction on the question of Gibraltar, the Committee was infringing the inalienable rights of its people. As the representative of Gibraltar had recalled at the 2016 Pacific regional seminar, the Committee's mission was to protect and promote the interests of the peoples of the Non-Self-Governing Territories, not to arbitrate territorial disputes between States. The Committee refused to visit Gibraltar, even though it was clearly empowered to carry out visiting missions to listed Territories, and it had rebuffed Gibraltar's offer to host the annual regional seminar on the grounds of an alleged territorial dispute.

44. As the Court of Arbitration for Sport had confirmed in its recent decision to allow the Gibraltar Football Association to apply for membership in the Fédération Internationale de Football Association (FIFA), Spain had no legitimate claim to Gibraltar, having relinquished sovereignty more than 300 years previously. Its 50-year refusal to argue its case before the International Court of Justice showed that it was well aware of that fact. Nevertheless, the Committee was taking Spain's side against the people of Gibraltar, and its seminar reports failed to reflect what was said about Gibraltar during the seminars.

45. With the vote on United Kingdom withdrawal from the European Union approaching, the caretaker Spanish Foreign Minister had already warned his Government that, should the United Kingdom decide to leave, Gibraltar would have to accept joint sovereignty with Spain in order to have access to the Single European Market. The people of Gibraltar had voted overwhelmingly to reject joint sovereignty in 2002 and they would not be bribed. They would never be Spanish.

46. *Mr. Picardo withdrew.*

47. **Ms. Pedros Carretero** (Observer for Spain) said that, as the United Nations had recognized in General Assembly resolution 2353 (XXII) and repeatedly thereafter, the colonial situation of Gibraltar undermined Spain's territorial integrity. In 1704, England had seized part of Gibraltar, expelling the original inhabitants, and it had subsequently not only repopulated the territory but had also enlarged its holding, by claiming land and waters not ceded in 1713 under the Treaty of Utrecht. While the United Kingdom no longer officially considered Gibraltar a colony, the Gibraltarian Government operated under a charter granted by the United Kingdom Foreign Office in 2006. Spain had never ceased to demand full restitution of its lands and once again called on the United Kingdom to engage in bilateral negotiations, in accordance with its commitment in the Brussels Declaration of 1984 and the repeated decisions of the General Assembly.

48. The unilateral, irresponsible attitude of the Gibraltar local authorities was a source of ongoing problems. In 2012, they had ceased to respect an informal agreement allowing Spanish fishing off the coast of Gibraltar, and in 2013 they had dropped concrete blocks to prevent it. Gibraltar remained a tax haven whose opaque tax system hindered international efforts to combat tax evasion, money laundering and the financing of terrorism. Recently, a surge in tobacco

smuggling from Gibraltar had forced Spain to establish border controls.

49. To promote regional cooperation beneficial to both Spain and Gibraltar, Spain had spearheaded the trilateral Forum for Dialogue on Gibraltar, which had ceased operations in 2010 because of the Gibraltarian local authorities' abuse of it to promote their claims of sovereignty. Since then, Spain had been working to establish a new forum for regional cooperation that would also include the competent local and regional Spanish authorities.

50. Spain again stressed the importance of the Special Committee's work and of respect for United Nations decolonization procedures. Despite the Gibraltarian authorities' repeated, slanderous accusation that the Committee was ignoring the aspirations of the inhabitants of Gibraltar, it should not remove any Territories from the list of Non-Self-Governing Territories that had not been decolonized pursuant to its own criteria.

*Hearing of petitioners*

51. *At the invitation of the Chair, Mr. Buttigieg (Self-Determination for Gibraltar Group) took a place at the petitioners' table.*

52. **Mr. Buttigieg** (Self-Determination for Gibraltar Group) said that since he had last appeared before the Committee in June 2015, the Committee had unfortunately done nothing at all about the issue of Gibraltar. Decolonization-related propaganda could be useful, but what Gibraltar needed was action. It had been waiting 10 years for the Committee to tell it what changes it should make to its 2006 Constitution — which provided a very un-colonial level of self-governance — in order for it to be removed from the United Nations list of colonies. If the Committee were to send a visiting mission to Gibraltar, the mission would witness first-hand Spain's flagrant violations of its international territorial waters and unjustified restriction of vehicular and pedestrian flow at the frontier. It would see that the tobacco was being smuggled out of Gibraltar by Spanish citizens and that Gibraltar had reacted by imposing very stringent restrictions on the sale of tobacco. It would see that Gibraltar was not a "parasitic nation" or a "pre-fabricated community", as Spain claimed, but rather a vibrant, tolerant and peaceful culture that wanted a cordial and mutually beneficial relationship with its neighbour.

53. Gibraltarians had overwhelmingly rejected joint sovereignty with Spain in two referendums. Yet if the United Kingdom decided to leave the European Union, the caretaker Spanish Government had threatened to seek to discuss Gibraltar's sovereignty the next day, in total disregard for its people's right to self-determination. Gibraltar remained very much willing to test the strength of its case before the International Court of Justice if Spain would agree to the proceedings.

54. His country had survived military and economic sieges and continued to prosper. It had been accepted into the Union of European Football Associations (UEFA) and FIFA. It was lauded as a transparent and compliant financial centre and for its successful campaign against corruption.

55. Gibraltarians were a proud people with an unwavering loyalty to their homeland and a steadfast identity. They were not secessionists. All they asked was to be recognized as a people with the right to decide its own future.

56. *Mr. Buttigieg withdrew.*

*The meeting rose at 6 p.m.*